

United States Senate

WASHINGTON, DC 20510

June 25, 2024

The Honorable Lloyd J. Austin III
Secretary of Defense
U.S. Department of Defense
1000 Defense Pentagon
Washington, D.C. 20301-1000

Dear Secretary Austin,

We write to urge the Department of Defense (DoD) to take additional action to ensure service members and their dependents can access their contraceptive of choice. In 2022, 18.3 percent of active duty service women reported that they were unable to access their preferred birth control method from the Military Health Service.¹ As Congress continues to seek to address this issue, including by working to pass the *Access to Contraception for Service Members and Dependents Act*, we respectfully request an update on the DoD's efforts to implement policies previously mandated by Congress that would expand access to contraception for service members.

Section 718 of the Fiscal Year (FY) 2016 National Defense Authorization Act (NDAA)² required the DoD to develop a comprehensive policy to ensure access to contraceptive counseling for service members. Specifically, Congress mandated the Department provide access to contraception counseling during service members' health care visits, such as annual physical exams as well as before and during deployment. In addition, the NDAA provision required the Department to develop standards to make contraception available to deployed service members. We appreciate that these requirements were included in the Defense Health Agency's Procedural Instruction on May 13, 2019, which outlined the Department's intent to expand contraception access to service members.³ We remain concerned, however, that the Procedural Instruction has not been implemented to its full effect given that one in five service women remain unable to access their preferred method of contraception.⁴

Congress again mandated that the DoD act to address contraception parity for service members by requiring the Department to conduct a survey on active-duty service women's experiences with family planning services and counseling in the FY 2017 NDAA.⁵ According the RAND Corporation's Women's Reproductive Health Survey, published in 2022, among active-duty service women who deployed between 2020 and 2022 only 18.1 percent received contraceptive

¹ Meadows, Sarah O., Rebecca L. Collins, Megan S. Schuler, Robin L. Beckman, and Matthew Cefalu, Women's Reproductive Health Survey (WRHS) of Active-Duty Service Members: Summary Findings and Policy Implications. Santa Monica, CA: RAND Corporation, 2022. https://www.rand.org/pubs/research_briefs/RBA1031-1.html.

² National Defense Authorization Act for Fiscal Year 2016, Public Law 114-92.

³ Defense Health Agency Procedural Instruction 6200-02.

⁴ Meadows, Sarah O., Rebecca L. Collins, Megan S. Schuler, Robin L. Beckman, and Matthew Cefalu, Women's Reproductive Health Survey (WRHS) of Active-Duty Service Members: Summary Findings and Policy Implications. Santa Monica, CA: RAND Corporation, 2022. https://www.rand.org/pubs/research_briefs/RBA1031-1.html.

⁵ National Defense Authorization Act for Fiscal Year 2017, Public Law 114-328.

counseling from the Military Health Service prior to their deployment.⁶ Once again, this low percentage contradicts Congress' intent to expand access to contraception services and counseling. The low rate of service women who received contraceptive counseling is particularly concerning given that on average, the rate of unintended pregnancy in the military is six percent, higher than the civilian rate of unintended pregnancy.⁷

We urge the Department to comply with the FY 2016 NDAA and its Procedural Instruction by immediately revising its pre-deployment form to allow service members to indicate if they would like to receive contraception counseling and include information on the full range of contraceptive methods. This and additional efforts by the DoD are needed to ensure full implementation of the provisions included in the FY 2016 and FY 2017 NDAAs to expand access to contraception for service members, including the more than 17 percent of women who make up the active-duty force.⁸ Expanding access to contraception is critical to meeting the needs of service members, as well as recruiting and retaining members of our Armed Forces.

We look forward to learning more about the barriers preventing the Department from implementing provisions mandated by Congress to protect and expand service members' access to contraception and contraceptive counseling.

Thank you for your continued attention to this important issue.

Sincerely,



Jeanne Shaheen
United States Senator



Jack Reed
United States Senator

⁶ Meadows, Sarah O., Rebecca L. Collins, Megan S. Schuler, Robin L. Beckman, and Matthew Cefalu, Women's Reproductive Health Survey (WRHS) of Active-Duty Service Members: Summary Findings and Policy Implications. Santa Monica, CA: RAND Corporation, 2022. https://www.rand.org/pubs/research_briefs/RBA1031-1.html.

⁷ Ibid.

⁸ U.S. Department of Defense, Department of Defense Annual Demographics Report. December 14, 2022. <https://www.defense.gov/News/Releases/Release/Article/3246268/departments-of-defense-releases-annual-demographics-report-upward-trend-in-numbe/>



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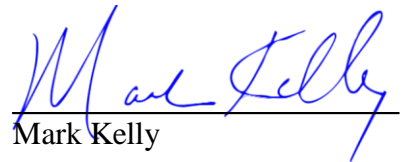
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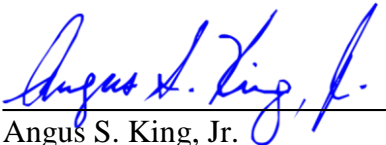
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